

EFS

Confirmation No.: 1032

Amendment dated January 15, 2009 in Response to

(Non-Final) Office Action dated 9/15/2008

Dkt. No. 34294/3

REMARKS

Claims 1-18 are pending. By this Amendment, claims 2, 3, 5 and 7 are canceled, and claims 1, 6, 8-10 and 15-18 are amended.

Reconsideration based on the following remarks is respectfully requested.

The Office Action rejects claim 9 under 35 U.S.C. 112, second paragraph as being indefinite. Claim 9 is amended to obviate this rejection. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph is respectfully requested.

The Office Action rejects claims 1-18 under 35 U.S.C. 102(b) over U.S. Patent No. 5,271,626 to Llenas. This rejection is respectfully traversed.

Llenas does not disclose or even suggest a method of advertising within a media broadcast program which features regular program content and content related to commercials, including, inter alia, establishing a contest whereby listeners of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of clues from time to time at least partially during broadcast of one of said commercials, with the contest requirement that a participant respond to said at least one broadcasted clue and follow the required procedure of said contest, broadcasting at least one set of regular program content during said program, broadcasting at least one commercial during said program as part of the content related to commercials, broadcasting at least one clue at least partially during said at least one commercial as part of the content related to commercials, and providing a specified award to each participant whose response to said clue satisfied the

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contest requirements to win said award, as recited in claim 1, and as similarly recited in claims 8 and 15-18.

Instead, Llenas discloses a television game for maintaining viewership during television programs and commercials in which game clues are randomly inserted into “blank spaces” between commercials and television programs. See FIG. 4b and column 4, lines 45-54 of Llenas. In contrast, according to the claimed invention, clues are provided at least partially during a commercial, or the commercial itself is the triggering event.

For at least these reasons, it is respectfully submitted that claims 1, 8 and 15-18 are allowable. The dependent claims are also allowable for the reasons discussed as well as for the additional features they recite. Withdrawal of the rejections of the claims and allowance of the application is respectfully requested.

If any fees are required to preserve the pendency of the subject application, please debit Deposit Account No. 01-1785. Likewise, if there is overpayment, please credit the same account.

Respectfully submitted,

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